

Jun 30, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES PATRICK WERTMAN,

Defendant.

NO: 2:21-CR-6024-RMP-1

STIPULATED PROTECTIVE ORDER
REGARDING IDENTIFICATION OF
MINOR VICTIMS PURSUANT TO 18
U.S.C. § 3509

BEFORE THE COURT is a Stipulated Motion for Entry of a Protective Order Regarding Identification of Minor Victims Pursuant to 18 U.S.C. § 3509, filed by the parties in the above-captioned matter.

Having reviewed the motion, the remaining docket, and the relevant law, the Court finds good cause to enter the stipulated protective order.

Accordingly, IT IS HEREBY ORDERED that the parties' Stipulated Motion for Entry of a Protective Order Regarding Identification of Minor Victims Pursuant to 18 U.S.C. § 3509, **ECF No. 20**, is **GRANTED**. The following Protective Order

1 Regarding Identification of Minor Victims Pursuant to 18 U.S.C. § 3509 is in
2 effect:

3 **PROTECTIVE ORDER**

4 1. The privacy protection measures mandated by 18 U.S.C. § 3509(d),
5 which apply when a case involves a person under the age of eighteen years who is
6 alleged to be a victim of a crime of sexual exploitation, or a witness to a crime
7 committed against another person, apply to this case.

8 2. All persons acting in this case in a capacity described in 18 U.S.C. §
9 3509(d)(1)(B), shall:

10 a. Keep all documents that disclose the names, identities, or any
11 other information concerning minors in a secure place to which
12 no person who does not have reason to know their contents has
13 access;

14 b. Disclose such documents or the information in them that
15 concerns minors only to persons who, by reason of their
16 participation in the proceeding, have reason to know such
17 information;

18 c. Not permit Defendant himself to review discovery outside the
19 presence of defense counsel or a defense investigator;

20 d. Not permit Defendant to keep discovery in his own possession
21 outside the presence of defense counsel or a defense investigator;

1 and

- 2 e. Not permit Defendant to keep, copy, or record the identities of
3 any minor or victim identified in discovery in this case.

4 3. All papers to be filed in Court that disclose the names or any other
5 information identifying or concerning minors shall be filed under seal without
6 necessity of obtaining a Court order, and that the person who makes the filing shall
7 submit to the Clerk of the Court:

8 a. The complete paper to be kept under seal; and

9 b. The paper with the portions of it that disclose the names or other
10 information identifying or concerning children redacted, to be
11 placed in the public record.

12 4. The parties and the witnesses shall not disclose minors' identities
13 during any proceedings connected with this case. The parties and witnesses will
14 refer to alleged minor victims only by using agreed-upon initials or pseudonyms
15 (e.g., "Minor Victim 1"), rather than their bona fide names, in motions practice,
16 opening statements, during the presentation of evidence, in closing arguments, and
17 during sentencing.

18 5. The government may produce discovery to the defense that discloses
19 the identity and images of alleged minor victims in this case, in order to comply with
20 the government's discovery obligations. Defendant, the defense team, Defendant's
21 attorneys and investigators, and all of their externs, employees, and/or staff

1 members, shall keep this information confidential as set forth above.

2 6. This Order shall apply to any attorneys who subsequently become
3 counsel of record, without the need to renew or alter the Order.

4 7. This Order shall apply to the personal identifying information and images
5 of any minors who are identified over the course of the case, whether or not such
6 minors are known to the government and/or Defendant at the time the Order is entered
7 by the Court.

8 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this Order
9 and provide copies to counsel.

10 **DATED** June 30, 2021.

11 *s/ Rosanna Malouf Peterson*
12 ROSANNA MALOUF PETERSON
13 United States District Judge
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